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SIPDIS

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [AF](#)
SUBJECT: ELECTORAL REFORM BILL UNLIKELY, FOR NOW

REF: A. KABUL 1042
[1](#)B. KABUL 1230

Classified By: Acting PolCouns Valvarado for reasons 1.4 (b) and (d).

[1](#)1. (C) While the Electoral Bill is currently listed on the parliamentary calendar as a priority bill, the Ministry of Justice asserts that altering the bill at this point is not allowed because the scheduled May 2010 parliamentary elections are less than a year away. However, most MPs ascertain that because they did not start parliamentary sessions until January, 2005, they have not yet started their fifth year as parliamentarians, and therefore have until January 2010 to change the bill. Notwithstanding these intentions, the unresolved debate over the legal timeframe, the controversial Kuchi nomad representation issue (reftels), and chronic absenteeism in Parliament, make it unlikely that the Bill will pass in time to affect the 2010 parliamentary elections.

[1](#)2. (SBU) Afghanistan's Electoral Bill establishes the electoral system and regulates electoral issues, including voting centers, observers, election campaigns, candidacy, candidate lists, voting eligibility, counting, and inter-agency cooperation on elections. The draft law addresses presidential, parliamentary, provincial, district and mayoral elections. Most MPs tell us they are particularly interested in changing the allocation of Kuchi nomad representation, as well as increasing the candidate eligibility requirements. Currently Kuchis are entitled to 10 seats in Parliament, and nomadic Kuchis can vote for their candidates from any province. Because most Kuchis are ethnic Pashtuns, the non-Pashtun MPs generally seek to reduce the 10 seats, while Pashtun MPs defend the allocation and believe any change in the number would require amending the Constitution. Parliament has been discussing the Electoral Law since late 2008. It was effectively killed in May 2009 by sending it to a nonexistent Commission on the Implementation and Oversight of the Constitution.

[1](#)3. (C) Many international community leaders here, as well as some MPs, hope to use the Electoral Bill as a vehicle to change from the current Single Non-Transferable Vote system (SNTV) to a more political-party friendly Mixed Proportional Representation (PR) system. The SNTV allows each voter the opportunity to pick one candidate, thereby generating many "wasted" votes that go to candidates who do not win, while the winners receive very few total votes. The PR system would allow voters to mark two ballots, one for a candidate and one for a party, which would allow a portion of MPs to be directly elected as in the SNTV system, while others would be allocated on the party lists, and would therefore encourage political party development. Interest in the PR system is gaining momentum. However, due to the lack of a quorum, and contention over Kuchi representation, this change remains unlikely, for now.

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